

REMARKS

These remarks are responsive to the Office Action of September 25, 2006. Claims 1, 3, 4, 6 and 7 have been amended. New claims 10-17 have been added. Claims 1-17 are pending in this application. The objections to claims 1-9 are requested to be withdrawn in light of the editorial changes to claims 1, 3, 4, 6, and 7. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

Claim 1 is Allowable Over Hohlbein '870 and Halm '071

Claims 1, 4, 5, and 7 stand rejected under 35 U.S.C. § 103(a) under a combination of U.S. Pat. No. 6,088,870 to Hohlbein (Hohlbein '870) and U.S. Pat. No. 5,052,071 to Halm. Applicant respectfully traverses this rejection.

The combination of Hohlbein and Halm '071 fail to disclose a toothbrush comprising a handle, *a flexible head secured to the handle, the head being flexibly mounted to the handle along a longitudinal axis, the head having an upper face with fingers flexibly mounted thereon, and ribs connecting the fingers to the upper face, whereby flexure of the head under compression or expansion along the longitudinal axis causes a longitudinal movement of ends of the ribs with respect to each other and a lateral movement of the fingers relative to the longitudinal axis of the toothbrush.*

In claim 1, "the head is flexibly mounted to the handle along a longitudinal axis." Support of this feature is described at least on page 8, lines 8-26 and FIGS. 3-5 of the instant application. Hohlbein '870 and Halm '071 fail to teach, individually or in combination, the noted feature of claim 1. Hence, claim 1 is allowable. When evaluating patentability under 35 U.S.C. § 103(a), all claim features must be considered, especially when they are missing from the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (Federal Circuit held a reference did not render the claimed combination obvious because the examiner ignored a claimed feature that was absent from the reference).

In claim 1, “flexure of the head under compression or expansion along the longitudinal axis causes a longitudinal movement of ends of the ribs with respect to each other and a lateral movement of the fingers relative to the longitudinal axis of the toothbrush.” Support for this feature is described at least on page 8, lines 8-26 and FIGS. 3-5 of the present application. Hohlbein ‘870 and Halm ‘071 fail to teach, individually or in combination, the noted feature of claim 1. Hence, claim 1 is allowable. See, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Claims 2-9 are allowable for at least the reasons of claim 1 and for further features recited therein.

Claim 1 is Allowable Over U.S. Pat. Pub. 2003/0196283 (Eliav, et al.) and Halm ‘071

Claims 1, 2, 5-6, and 8-9 stand rejected under 35 U.S.C. § 103(a) under a combination of U.S. Pat. Pub. 2003/0196283 (Eliav, et al.) and U.S. Pat. No. 6,092,252 to Halm. Applicant respectfully traverses this rejection. The rejection is requested to be withdrawn. The application of Eliav et al. is commonly owned by the Colgate-Palmolive Company along with the instant application, and at the time the invention, the subject matter of the present claims were owned by the Colgate-Palmolive Company or were subject to an obligation of assignment to the Colgate-Palmolive Company in accordance with 35 U.S.C. § 103(c). Hence, claim 1 is allowable. Claims 2-9 are allowable for at least the reasons of claim 1 and for further features recited therein.

Claim 1 is Allowable Over U.S. Pat. No. 6,041,467 and Halm ‘071

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 103(a) under a combination of U.S. Pat. No. 6,041,467 to Roberts, *et al.* and U.S. Pat. No. 5,052,071 to Halm. Applicant respectfully traverses this rejection. The combination of Roberts, *et al.* and Halm ‘071 fail to disclose a toothbrush comprising a handle, a flexible head secured to the handle, *the head being flexibly mounted to the handle along a longitudinal axis*, the head having an upper face with fingers flexibly mounted thereon, and *ribs connecting the fingers to the upper face, whereby flexure of the head under compression or expansion along the longitudinal axis causes a longitudinal movement of ends of the ribs*

with respect to each other and a lateral movement of the fingers relative to the longitudinal axis of the toothbrush.

In claim 1, "the head is flexibly mounted to the handle along a longitudinal axis." Roberts, *et al.* and Halm '071 fail to teach, individually or in combination, the noted feature of claim 1. Hence, claim 1 is allowable. When evaluating patentability under 35 U.S.C. § 103(a), all claim features must be considered, especially when they are missing from the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (Federal Circuit held a reference did not render the claimed combination obvious because the examiner ignored a claimed feature that was absent from the reference).

In claim 1, "flexure of the head under compression or expansion along the longitudinal axis causes a longitudinal movement of ends of the ribs with respect to each other and a lateral movement of the fingers relative to the longitudinal axis of the toothbrush." Roberts, *et al.* and Halm '071 fail to teach, individually or in combination, the noted feature of claim 1. Hence, claim 1 is allowable. See, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Claims 2-9 are allowable for at least the reasons of claim 1 and for further features recited therein.

Claim 1 is Allowable Over U.S. Pat. No. 2,154,846 and Halm '071

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) under a combination of U.S. Pat. No. 2,154,846 to Heymann, *et al.* and U.S. Pat. No. 5,052,071 to Halm. Applicant respectfully traverses this rejection. The combination of Heymann, *et al.* and Halm fail to disclose a toothbrush comprising a handle, a flexible head secured to the handle, *the head being flexibly mounted to the handle along a longitudinal axis*, the head having an upper face with fingers flexibly mounted thereon, and *ribs connecting the fingers to the upper face, whereby flexure of the head under compression or expansion along the longitudinal axis causes a longitudinal movement of ends of the ribs with respect to each other and a lateral movement of the fingers relative to the longitudinal axis of the toothbrush.*

In claim 1, "the head is flexibly mounted to the handle along a longitudinal axis." Heymann, *et al.* and Halm '071 fail to teach, individually or in combination,

the noted feature of claim 1. Hence, claim 1 is allowable. When evaluating patentability under 35 U.S.C. § 103(a), all claim features must be considered, especially when they are missing from the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (Federal Circuit held a reference did not render the claimed combination obvious because the examiner ignored a claimed feature that was absent from the reference).

In claim 1, “flexure of the head under compression or expansion along the longitudinal axis causes a longitudinal movement of ends of the ribs with respect to each other and a lateral movement of the fingers relative to the longitudinal axis of the toothbrush.” Heymann, *et al.* and Halm ‘071 fail to teach, individually or in combination, the noted feature of claim 1. Hence, claim 1 is allowable. See, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Claims 2-9 are allowable for at least the reasons of claim 1 and for further features recited therein.

New Claims 10-17 are Allowable

Claim 10 recites a toothbrush comprising a handle, a flexible head secured to the handle, the head being flexibly mounted to the handle along a longitudinal axis, the head having an upper face with a finger flexibly mounted thereon, and ribs extending from the upper face and connecting the finger to the upper face, the ribs being disposed at an acute angle to the longitudinal axis, whereby flexure of the head under compression or expansion along the longitudinal axis causes a lateral movement of the finger relative to the longitudinal axis of the toothbrush.

Holhbein ‘870, Roberts, *et al.*, Heymann, *et al.*, and Halm ‘071 fail to teach or suggest the features of claim 10. For example, none the noted references describe “the head having an upper face with a finger flexibly mounted thereon, and ribs extending from the upper face and connecting the finger to the upper face, the ribs being disposed at an acute angle to the longitudinal axis.” Further, none of the references individually or in combination describe “whereby flexure of the head under compression or expansion along the longitudinal axis causes a lateral movement of the finger relative to the longitudinal axis of the toothbrush” as a

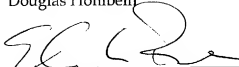
whole when considering claim 10. Hence, claim 10 is allowable for at least these reasons. Furthermore, claims 11-17 are allowable for at least the reasons of claim 10 and for further features recited therein.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,

Douglas Hohlbein

A handwritten signature in black ink, appearing to read 'E. K. Park', written over a horizontal line.

By: ELLEN K. PARK

Reg. No.: 34,055

COLGATE-PALMOLIVE COMPANY

909 River Road; P.O. Box 1343

Piscataway, NJ 08855-1343

Telephone (732) 878-7157

Date: January 25, 2006

EKP/dlh